

Notice of Allowability

Application No.

09/927,424

Examiner

Teresa E Strzelecka

Applicant(s)

SHIPWASH, EDWARD

Art Unit

1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed JUne 17, 2004.
2. ☒ The allowed claim(s) is/are 1-25,28-33,35-44, 46-55,93-96 and 104-110.
3. ☒ The drawings filed on 09 August 2001 and 11 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 07092004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEFFREY FREDMAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. This office action is in reply to an amendment filed June 17, 2004. Claims 1-60, 93-96 and 103 were previously pending. Applicant cancelled claims 26, 27, 34, 45 and 57, amended claims 1, 11, 12, 17-20, 22, 23, 25, 28-31, 33, 36, 38, 40, 42-44, 46, 48, 51, 54-56 and 96, and added new claims 104-111. Claims 1-25, 28-33, 35-44, 46-56, 58-60, 93-96 and 103-111 are pending and will be examined.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Frank Mycroft on September 7, 2004.

The application has been amended as follows:

- Cancel claims 56, 58-60, 103 and 111.
 - In claim 5, delete ---aminoacyl tRNA synthetase--- after "said" and substitute ---plurality of aminoacyl tRNA synthetases" therefor.
 - In claim 17, line 4, insert ---in---after "wherein".
 - In claim 93, delete ---32--- after "claim" and substitute ---41--- therefor.
4. In the interview conducted on September 7, 2004, Mr. Mycroft asked for the references which would be used to reject the product claims. These references are: Berg (Biochem. Mol. Biol. Internat., vol. 29, pp. 949-958, 1993) and Schmitt et al. (PNAS, vol. 93, pp. 5777-5782, 1996). Copies of these references are provided with this office action.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance: Applicant's invention is a method of detection of primary amino acids in a sample by contacting the sample with a plurality of aminoacyl tRNA synthetases differing with respect to their cognate amino acids and detecting a product formed, where the product is either aminoacyl tRNA synthetase: amino acid AMP complex, inorganic pyrophosphate, the aminoacyl tRNA corresponding to the primary amino acid to be detected and AMP. The closest prior art reference, Tao et al., teach detection of a single amino acid by contacting it with its cognate tRNA synthetase, but do not teach detection of amino acids by contacting a sample with a plurality of aminoacyl tRNA synthetases differing with respect to their cognate amino acids.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa E Strzelecka whose telephone number is (571) 272-0789. The examiner can normally be reached on M-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS
September 7, 2004


JEFFREY FREDMAN
PRIMARY EXAMINER
9/10/04